IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5 OF 2005

Siraj Ahmed Siddique
aged 28 yrs. an Adult,
occupation Tailor,
resident of 236(A),
Kamrajnagar, Gulshan
Co-op Hsg. Society,
Eastern Express Highway
Ghatkopar East,
Mumbai 400 077 .. Petitioner.

Versus

1. A.N.Roy,
Commissioner of Police,to
Brihan Mumbai. ..

2. State of Maharashtra ..

3. The Superintendent of Jail
Nashik Road Central Prison,
Nashik Road. ..

4. The Superintendent of Jail
Thane Central Prison,
Thane. ..

5. The Secretary
Advisory Board (MPDA)
Mantralaya, Mumbai .. Respondents.

Shri Amin Solkar for the petitioner.

Shri D.S.Mhaispurkar A.P.P. for the respondents.

CORAM : SMT.RANJANA DESAI
& D.B.BHOSALE, JJ.

DATED : 14TH JUNE, 2005

ORAL JUDGMENT: (PER D.B.BHOSALE, J.)

1. Today we have disposed of Criminal Writ Petition No.4 of 2005 filed against the order of detention passed against Istiyak Ahmed Siddiqui based on the grounds of detention dated 19.8.2004.

The grounds as reflected in paragraph 4(a) to 4(a)(vi) pertain to the complaint filed by Shri Mahesh Mandan Phad under sections 52 and 43 of the Maharashtra Regional Town Planning Act, 1966 bearing LAC No.7 of 2004 and in-camera statements of the witnesses (A) to (E) as referred to in grounds No.4(b)(i) to 4(b)(v) in the grounds of detention. Interalia the order of detention against Appu Ahmed Siddiqui, the detenu in the instant petition, also rests on the same material. The grounds of detention dated 19.8.2004 against both the detenus are similar. Mr.Solkar states that the instant detention order is challenged on the identical grounds on which the order of detention impugned in Criminal Writ Petition No.4 of 2005 was challenged and that he does not wish to challenge the same on any other grounds. He, therefore, fairly states that the instant criminal writ petition also be disposed of in terms of the judgment in Criminal Writ Petition No.4 of 2005 which has been disposed of today. Mr.Mhaispurkar, learned A.P.P. does not dispute the statement made by Mr.Solkar. In the circumstances this writ petition stands disposed of in terms of the judgment delivered today in Writ Petition No.4 of 2005. Rule is discharged.

(Smt.RANJANA DESAI, J.)

(D.B.BHOSALE, J.)

HIGH COURT AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5 OF 2005

Date of Decision: 14th June, 2005.

For approval and signature:

The Hon'ble Smt. Justice : Ranjana Desai

And

The Hon'ble Mr.Justice : D.B. Bhosale

1. Whether Reporters of Local papers may be allowed to see the judgement ?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any Order made thereunder?

5. Whether it is to be circulated to the Civil Judges?

6. Whether the case involves an important question of law and whether a copy of the judgment should be sent to Nagpur Office?

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO.5 OF 2005
(Siraj Ahmed Siddique V. A.N.Roy & Others)

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Amin Solkar for the petitioner.
Mr.Mhaispurkar for the respondents.

CORAM : SMT.RANJANA DESAI &
D.B.BHOSALE, JJ.

DATED: 14TH JUNE, 2005.

P.C.:

. For the reasons separately recorded in the judgment, the court dismisses the writ petition and discharges the Rule.

For Registrar